

# **Exhibit 50**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ORIGINAL

MIYANO MACHINERY USA INC., )  
Plaintiff, )  
)  
-vs- ) No. 08 C 526  
)  
MIYANOHITEC MACHINERY, INC., )  
THOMAS ("TOM") MIYANO, a/k/a )  
TOSHIHARU MIYANO and STEVEN )  
MIYANO, a/k/a SHIGEMORI MIYANO, )  
)  
Defendants. )  
----- )  
MIYANOHITEC MACHINERY, INC., )  
THOMAS ("TOM") MIYANO, a/k/a )  
TOSHIHARU MIYANO and STEVEN )  
MIYANO, a/k/a SHIGEMORI MIYANO, )  
)  
Counterclaim-Plaintiffs, )  
)  
-vs- )  
MIYANO MACHINERY USA INC., )  
)  
Counterclaim-Defendant, )  
)  
and )  
MIYANO MACHINERY, INC., )  
)  
Third-Party Defendant. )

CONFIDENTIAL

- - CONFIDENTIAL - ATTORNEYS' EYES ONLY -

The videotaped deposition of STEVEN MIYANO, called by the Plaintiff for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pursuant to the taking of depositions, taken before Barbara A. Wichmann, C.S.R., a Notary Public within and for the County of Cook, State of Illinois, at Suite 2850, 200 West Adams Street, Chicago, Illinois, on Wednesday, April 30, 2008, at the hour of 10:06 a.m.

1 A. It is in Tokyo.

2 Q. How long were you at Keio University in  
3 Tokyo?

4 A. Which campus?

5 Q. All campuses combined.

6 A. Five years.

7 Q. Did you emerge with a degree?

8 A. Merge?

9 Q. Did you get a degree from Keio University?

10 A. Yes.

11 Q. What's the degree?

12 A. Economics.

13 Q. Is it a -- is it called a bachelor's degree?

14 A. I have no idea.

15 Q. Do you know what it's called?

16 A. I think it's bachelor's, then.

17 Q. Do you have any further formal education?

18 A. What do you mean by that?

19 Q. Master's degree?

20 A. You mean some kind of certification?

21 Q. A certification from an institution or a  
22 university.

23 A. No.

24 Q. Do you have any further degrees?

1 A. No .

2 Q. When did you get your degree from Keio  
3 University?

4 A. I think in '05.

5 Q. And that was in Japan?

6 A. Yes.

7 Q. Did you stay in Japan after that?

8 A. Yes.

9 Q. Until -- I'm sorry. Go ahead.

10 A. I got it in '05, and I stayed there for one  
11 year.

12 Q. What did you do during that year?

13 A. Do you mean by study, or was I playing  
14 around?

15 Q. Well, I'm trying to find out generally what  
16 you did. If it was sightseeing, then that's what it  
17 was. Or was it studying or working or -- whatever.

18 A. I was studying -- I was studying CPA.

19 Q. Where was that?

20 A. That was also located in Japan, in Tokyo.

21 Q. Was that with a school?

22 A. Yes.

23 Q. Which school?

24 A. That was in -- it was called TAC.

1 head?

2 A. I had the business idea of a -- joining the  
3 machine tool industry.

4 Q. Why did you select that industry?

5 A. Because I wanted to.

6 Q. Yes. Why did you want to?

7 A. I have never thought of that.

8 Q. Did you consider any other businesses at  
9 this time?

10 A. I don't think so.

11 Q. Had you ever worked in the machine tool  
12 industry previously?

13 A. When?

14 Q. Ever during your life before you came back  
15 to the United States in 2005.

16 A. Before 2005?

17 Q. Yes.

18 A. No.

19 Q. Did you consider any other businesses as  
20 of -- at any time up to 2005 that you might work at,  
21 other than being a CPA, or accountancy?

22 A. No.

23 Q. Did you determine when you were in college  
24 that you wanted to have a career in accountancy?

1 to the United States?

2 A. I think it was in June.

3 Q. Would you say that it was after you came to  
4 the United States that you incorporated Hitec  
5 Machinery International?

6 A. I believe it was before I came back.

7 Q. Did you do it remotely, then, from Japan?

8 A. Yes.

9 Q. How did you do that?

10 A. I would just call my attorney.

11 Q. You had an attorney while you were in Japan?

12 A. Yes.

13 Q. Was it an American attorney?

14 A. Um-hum.

15 Q. So through an attorney who was within the  
16 United States, you incorporated -- or your attorney  
17 incorporated Hitec Machinery International in about  
18 2005; is that right?

19 A. Yes.

20 Q. Were you the sole stockholder?

21 A. Yes -- you mean the only?

22 Q. The only stockholder.

23 A. Yes.

24 Q. Have there been any other stockholders?

1 A. No.

2 Q. Is that corporation currently known by a  
3 different name?

4 A. Yes.

5 Q. What is the current name of that  
6 corporation?

7 A. The incorporation name?

8 Q. The current name today of that corporation.

9 A. Tom and Steven Miyano Machinery.

10 Q. Is there an "incorporated" after that, or  
11 "Corp.," or "Inc.," or something like that?

12 A. No.

13 Q. Do you know whether you changed the --  
14 whether you formally changed the name of the corpora-  
15 tion to something -- namely, to Tom and Steven Miyano  
16 Machinery?

17 A. I don't know.

18 Q. Do you know the difference between a trade  
19 name and a corporation name?

20 A. Maybe.

21 Q. And you believe that the corporation name is  
22 Tom and Steven Miyano Machinery, today, as we sit  
23 here today?

24 A. It's Tom and Steven Miyano Machinery.

1 Q. Was that corporation ever known as -- by any  
2 other name --

3 A. Yes.

4 Q. -- other than Hitec Machinery International?

5 A. Yes.

6 Q. What was it known as?

7 A. MiyanoHitec Machinery, Inc.

8 Q. Were there any other names of this  
9 corporation?

10 A. I do not think so.

11 Q. Okay. So you are saying that this corpora-  
12 tion had three different names, right?

13 A. Maybe yes.

14 Q. And it started as Hitec Machinery  
15 International?

16 A. Um-hum.

17 Q. And then it -- the next one was Miyano Hitec  
18 machinery, Inc.; is that right?

19 A. It is also Miyano Hitec Machinery, Inc.,  
20 still; and also Tom and Steven Miyano Machinery.

21 Q. Okay. When did it change from Hitec  
22 Machinery International to something different?

23 A. I think it is October of 2006.

24 Q. And what was the change that occurred then?

1                   **What was the change in October 2006?**

2       A. I changed the name of the company.

3       Q. Why?

4       A. Because I wanted to.

5       Q. Why did you want to change the name?

6       A. Well, I thought that I had to put my family  
7 name inside.

8       Q. Why did you have to do that?

9       A. Because I like my family name.

10      Q. But you didn't have to put the family name  
11 in there, did you?

12      A. Are you not proud of your name?

13      Q. That's not the question.

14      MR. BAKER: No, but it is the answer.

15      BY THE WITNESS:

16      A. I am proud of my family name, as all of my  
17 ancestors have been using it; my grandfather, my  
18 father, myself.

19                  And maybe even after -- after I get married,  
20 my children will also use the Miyano name.

21      BY MR. MANZO:

22      Q. Why did you not use the name Miyano when you  
23 created Hitec Machinery International in the first  
24 place?

1 A. I don't remember.

2 Q. What business did Hitec Machinery Interna-  
3 tional engage in in 2005?

4 A. Same as now.

5 Q. Could you tell me what that is, please.

6 A. To build a CNC machine and -- yes.

7 To build a CNC machine, in '05.

8 Q. Were you the president of Hitec  
9 International in 2005?

10 A. Yes.

11 Q. And have you always been the president of  
12 that corporation?

13 A. Yes.

14 Q. Are there any other officers of that  
15 corporation?

16 A. Officers is what kind of status?

17 Q. Chief executive, chief operating officer,  
18 vice-president, secretary, or treasurer.

19 A. In '05?

20 Q. Yes. In '05.

21 A. I do not think so. Maybe only it was  
22 myself.

23 Q. Is there a corporate minute book for Hitec  
24 International?

1 A. I think so.

2 Q. Did you keep corporate minutes?

3 A. Should be somewhere.

4 Q. After 2005 was there ever any other officer?

5 A. Until now?

6 Q. Yes.

7 A. Yes.

8 Q. Who was that?

9 A. That will be -- after -- 2006, October, Tom  
10 Miyano.

11 Q. What position did he hold in the company?

12 A. Advisor.

13 Q. Was he an executive officer?

14 A. No.

15 Q. Is that the same Tom Miyano who is here  
16 today in this deposition room?

17 A. I do not know of any Tom Miyano other than  
18 my father.

19 Q. And your father is sitting here at this same  
20 table -- yes?

21 A. Yes.

22 Q. And that's the same person, then, who is  
23 referred to as the person in Tom and Steven Miyano  
24 Machinery, right?

1 A. Yes.

2 Q. Okay. Does he own any stock in the  
3 corporation?

4 A. No.

5 Q. And he has never been an executive officer  
6 of the corporation; is that true?

7 A. True. Never a director.

8 Q. Never a director, and never the chief  
9 operating officer?

10 A. Yes. I make all the decisions.

11 Q. Did he ever have any title with the  
12 corporation other than "advisor"?

13 A. Maybe, but I do not know.

14 Q. Would that be reflected in the corporate  
15 minutes?

16 A. I don't know.

17 Q. Do you know the whereabouts of the corporate  
18 minutes?

19 A. No.

20 Q. I didn't hear you.

21 A. No.

22 Q. Do you know who maintains the corporate  
23 minutes?

24 A. I believe that is me.

1 know, you ask a silly question; you get a silly  
2 answer. I don't want you to get a silly answer.

3 BY MR. MANZO:

4 Q. Did Hitec International Manufacture anything  
5 in 2005?

6 A. No.

7 Q. Did it sell anything in 2005?

8 A. No.

9 Q. Did it adopt any logos or trademarks in  
10 2005?

11 A. Yes.

12 Q. What were they?

13 A. Are you telling me to describe?

14 Q. Yes, please.

15 A. It is a triangle with "H" and "Hitec."

16 Q. Can we be a little more specific?

17 Was it a triangle with an "H" inside the  
18 triangle?

19 A. Inside the triangle.

20 Q. And the words "Hitec" -- were they also in  
21 the triangle?

22 A. Yes.

23 Q. Did the "H" have wings?

24 A. Yes.

1 Q. Was there anything else to the mark?

2 A. As far as I recollect, no.

3 Q. Were there any other marks or logos?

4 A. No.

5 Q. How did you use that -- that logo at Hitec  
6 International?

7 A. On my business card.

8 Q. Anything else?

9 A. As far as I remember, no.

10 Q. How did you select that logo?

11 A. It got brought up in my head.

12 Q. Had you seen anything like it previously?

13 A. No.

14 Q. Did Hitec Machinery International advertise  
15 anything in 2005?

16 A. Where?

17 Q. Anywhere in the world.

18 A. Advertise what?

19 Q. Anything. I'm asking if it advertised.

20 MR. BAKER: Object to the form of the question.

21 BY THE WITNESS:

22 A. Would handing out my business card be an  
23 advertisement? I'm sorry for that question; I'm  
24 trying to figure out.

1 A. Yes.

2 Q. What machines have you designed?

3 MR. BAKER: You mean during his whole life?

4 Or what do you mean?

5 BY MR. MANZO:

6 Q. Yes.

7 A. They are currently designing -- well, I  
8 currently designed a multi-axis machine.

9 Q. When you say axis, you mean a-x-i-s, or do  
10 you mean a-c-c-e-s-s?

11 A. A-x-i-s.

12 Q. Okay. Thank you.

13 Have you ever designed any other machines?

14 A. Some -- yes.

15 Q. What kinds of machines?

16 A. Only conceptual.

17 Q. Were they airplanes or cars or go-carts,  
18 or -- what were they?

19 A. CNC machine.

20 Q. When did you -- when did you do this?

21 A. In '05.

22 Q. Do you have any engineers in your employment  
23 at the corporation?

24 A. No.

1 A. No.

2 Q. Do you have any idea?

3 A. My father was in the industry for a long  
4 period of time, so maybe some occasion.

5 Q. Do you have a contract with Mr. Goindi, or  
6 with Parishudh?

7 A. No.

8 Q. Did you give him your drawings to work with?

9 A. Conceptual, yes.

10 Q. Why did you do that?

11 A. Because I wanted to.

12 Q. Weren't they confidential?

13 A. I could trust that person.

14 Q. Do you have any confidentiality agreement  
15 with Mr. Goindi, or with Parishudh?

16 A. No.

17 Q. Have you filed any patent applications any-  
18 where in the world for anything going into the  
19 CW machine design?

20 A. Yes.

21 Q. Who are the named inventors of that one or  
22 more patent applications?

23 A. Me and my father.

24 Q. Why is your father named as an inventor?

1 A. He is also an advisor.

2 Q. What part did he design?

3 A. I forgot.

4 Q. Did he work on the design?

5 A. I did.

6 Q. Does your father operate your CAD system at  
7 all?

8 A. No.

9 Q. Do you know if he knows how to operate it?

10 A. No.

11 Q. Have you ever seen him operate it?

12 A. No.

13 Q. Have you ever seen him try to operate it?

14 A. Yes.

15 Q. And what happens?

16 A. He couldn't get things to work.

17 Q. I don't think I could, either, but. . . .

18 You studied CAD in -- probably starting in  
19 high school, right?

20 A. No.

21 Q. Where did you study CAD design?

22 A. At some company in Schaumburg or Palatine.

23 Q. When was that?

24 A. I believe sometime in '06. Sometime in '06.

1 A. I do not remember the company name.

2 Q. Did your father go with you to speak with  
3 anybody?

4 A. Yes.

5 Q. Have you placed any written advertisements  
6 for the CW machine?

7 A. No.

8 Q. Any electronic advertisements?

9 A. No.

10 Q. So you have called on potential customers,  
11 then?

12 A. Talked with.

13 Q. Talked with them.

14 Do these potential customers already have  
15 CNC lathes?

16 A. Some do.

17 Q. What have you told these potential customers  
18 about the CW machine?

19 A. The normal -- well, I shouldn't say normal.

20 But I told them that the CW machine -- well,  
21 actually, our company's machine -- can do both sides  
22 at once.

23 Q. Anything else?

24 A. Well, it's revolutionary.

1 Q. How do you mean, revolutionary?

2 Do you mean it revolves, or what do you  
3 mean?

4 A. It could do both sides at once.

5 Q. How does it do both sides at once?

6 A. Well, this object comes in, this chuck grabs  
7 it and it spins around and it cuts first; and then it  
8 goes in, goes back, the hand grabs it, turns it  
9 around, puts it back in, and then does the other  
10 side --

11 Q. Okay.

12 A. -- and then back.

13 Q. All right. So what you have just described  
14 is doing one side, turning it around, and then doing  
15 the other side; is that correct?

16 A. Yes.

17 Q. And is that the machine you've designed?

18 A. Yes.

19 Q. Do you have a prototype of the machine?

20 A. No.

21 Q. Have you seen a prototype of the machine?

22 A. No.

23 Q. Does a prototype of the machine exist, as  
24 far as you know?

1 A. No.

2 Q. You know that it does not yet exist?

3 A. Yes.

4 Q. Where is it going to be made?

5 A. It will be made in India.

6 MR. BAKER: The prototype or the machine?

7 MR. MANZO: The prototype.

8 MR. BAKER: Go ahead.

9 BY THE WITNESS:

10 A. It will be made in India.

11 BY MR. MANZO:

12 Q. By Parishudh?

13 A. Yes.

14 Q. Did you talk to potential customers about  
15 any other machinery that you might deal with?

16 A. Yes.

17 Q. What was the other machinery?

18 A. I have asked the potential customer what  
19 kind of machine they would like to have.

20 Q. Who were these potential customers?

21 A. They were the same customers as what I have  
22 talked with regarding the CW machines.

23 Q. Where did you speak to these people?

24 A. In Chicago.

1 A. Yes.

2 Q. Before MHU sells the machine, who will be  
3 the owner of the machine?

4 A. The manufacturer.

5 Q. That is who?

6 A. In India.

7 Q. Parishudh?

8 A. Yes.

9 Q. Do you have any animations showing how the  
10 machine will work?

11 A. No.

12 Q. Do you have any videos of any kind showing  
13 how the machine may work?

14 A. No.

15 Q. No. Just -- earlier you said you took a CAD  
16 course, I think, in Schaumburg or Palatine.

17 Do you remember that?

18 A. Yes.

19 Q. How long was that course of study?

20 A. A week.

21 Q. One week?

22 A. One week.

23 Q. Eight hours a day?

24 A. I think it was from nine to five.

1 A. It is an alphabet "M" with wings on.

2 Q. Okay. I'm going to hand to you what was  
3 marked in the deposition of Tom Miyano as deposition  
4 Exhibit 76 --

5 A. Thank you.

6 Q. -- and ask if the winged "M" mark that you  
7 are speaking about appears anywhere on that exhibit.

8 A. Yes, it appears.

9 Q. Where?

10 A. Top left-hand corner.

11 Q. Is that the mark just next to the words  
12 "Tom," ampersand, "Steven Miyano Machinery"?

13 A. Yes.

14 Q. And beside that title, "Tom & Steven Miyano  
15 Machinery," I see MiyanoHitec Machinery, Inc., in  
16 parentheses. Is that what it says?

17 A. It has a parentheses with MiyanoHitec  
18 Machinery, Inc.

19 Q. Do you think that name MiyanoHitec Machi-  
20 nery, Inc., is similar to Miyano Machinery, Inc.?

21 A. No.

22 Q. Why not?

23 A. Customers are smart enough to know the  
24 difference.

1 Q. But that isn't really what I asked you.

2 I was asking you if you think those names  
3 are similar.

4 MR. BAKER: Asked and answered.

5 BY THE WITNESS:

6 A. It is not similar.

7 BY MR. MANZO:

8 Q. Why?

9 A. Why?

10 Q. Why are they not similar?

11 MR. BAKER: Asked and answered.

12 BY THE WITNESS:

13 A. It is not similar.

14 BY MR. MANZO:

15 Q. Well, would you agree that both start with  
16 "Miyano"?

17 A. Yes.

18 Q. And would you agree that both have  
19 "Machinery"?

20 A. Yes.

21 MR. BAKER: Are you guys claiming some rights to  
22 the word "machinery" now?

23 MR. MANZO: No comment.

24 MR. BAKER: I'll take that as a no.

1 BY MR. MANZO:

2 Q. So is it your view that inserting H-i-t-e-c  
3 after "Miyano" makes it different?

4 A. "MiyanoHitec Machinery, Inc." --

5 Q. Yes.

6 A. -- is different than "Miyano Machinery,  
7 Inc."

8 Q. Is it also partially similar?

9 MR. BAKER: Form.

10 BY THE WITNESS:

11 A. Text?

12 BY MR. MANZO:

13 Q. Yes.

14 A. Partially, yes.

15 Q. Is it mostly similar?

16 MR. BAKER: Form.

17 BY THE WITNESS:

18 A. No.

19 BY MR. MANZO:

20 Q. It's not mostly the same?

21 MR. BAKER: Asked and answered. Form.

22 BY THE WITNESS:

23 A. No.

1 BY MR. MANZO:

2 Q. Did you ever obtain any opinions -- that is  
3 to say you at MHU -- obtain any opinions of a lawyer  
4 in the United States about the legality of using  
5 "MiyanoHitec Machinery" as a name?

6 MR. BAKER: You can answer that yes or no.

7 BY THE WITNESS:

8 A. Yes.

9 BY MR. MANZO:

10 Q. Did you receive a written opinion or an oral  
11 one, or both.

12 MR. BAKER: You can answer that written, oral,  
13 yes, or no, or both.

14 In fact, I'm going to object to the form of  
15 that question.

16 BY MR. MANZO:

17 Q. I'll rephrase. In what form did you get the  
18 opinion?

19 MR. BAKER: You can answer that written, oral.

20 MR. MANZO: Or both?

21 MR. BAKER: Or both. Sure. That seems fair.

22 BY THE WITNESS:

23 A. Maybe in some way written or oral.

1 BY MR. MANZO:

2 Q. Does MHU have any licensing agreements with  
3 anybody else?

4 A. What license?

5 Q. That's what I'm asking.

6 A. No.

7 MR. BAKER: I'm sorry.

8 Just to be clear, are you including things  
9 like the shrink wrap license with SolidWorks, or  
10 Microsoft for software, or -- what are you talking  
11 about?

12 BY MR. MANZO:

13 Q. I believe you testified that your grand-  
14 mother owns the -- a trademark triangle with a winged  
15 "M" and the name Miyano. Is that your testimony?

16 A. Yes.

17 Q. Do you know who owns the trademark, if there  
18 is an ownership, of the trademark "M" with wings?

19 A. My grandmother.

20 Q. Do you have a license from her to use this  
21 trademark at MHU?

22 A. License with my grandmother?

23 Q. That's what I'm asking you.

24 A. No.

1 Q. Did you create this screen display shown in

2 Exhibit --

3 MR. BAKER: 76.

4 BY MR. MANZO:

5 Q. -- 76? Thank you, counsel.

6 MR. BAKER: Sure.

7 BY THE WITNESS:

8 A. Yes.

9 BY MR. MANZO:

10 Q. Did you have somebody assist you in this?

11 A. No.

12 Q. What does it mean on this exhibit when it  
13 says, quote: "We supply various production systems,  
14 such as a CNC lathe, machining center, CNC  
15 grinders" -- and I think there is a period after  
16 that, close quote -- and let's just take that  
17 sentence.

18 What is that sentence intended to mean, this  
19 first sentence right here in the block here called  
20 "Service"?

21 A. It says, "We supply various production  
22 systems, such as a CNC lathe, machining center, CNC  
23 grinders."

24 Q. And does MHU do that?

1           A. Oh. In every trade show that I have  
2 attended, we have put on a disclaimer on our panels,  
3 or on the back wall.

4           Q. Was that your idea?

5           A. I have gotten advice from my lawyer.

6           Q. Other than your lawyers, did anybody ask you  
7 about those disclaimers?

8           A. No.

9           Q. Do you have those made up by a commercial  
10 company?

11          A. What?

12          Q. The disclaimers that you exhibit.

13          Or do you make them yourself?

14          A. I make them myself.

15          Q. How big is the disclaimer?

16          A. Letter size, paper.

17          Q. The size of an 8-and-a-half-by-11-inch piece  
18 of paper?

19          A. I think it's -- if letter size is 8 and a  
20 half by 11, yes.

21          Q. Well, I'm trying to find out what you mean  
22 by letter size. Many letters are smaller.

23          A. This size.

24          MR. BAKER: The witness is indicating and point-

1 ing to Exhibit 84, which is an 8-and-a-half-by-11  
2 sheet of paper.

3 MR. MANZO: Thank you.

4 MR. BAKER: Sure.

5 BY MR. MANZO:

6 Q. How do you make up the exhibit -- I'm  
7 sorry -- that disclaimer?

8 Is it handwritten, or something else?

9 A. It's Microsoft Word.

10 Q. You use Word. Okay.

11 And you use one sheet of paper to make the  
12 disclaimer?

13 A. Yes.

14 Q. And where do you put the disclaimer?

15 A. On the panel.

16 Q. How big is the panel?

17 A. It is ten feet wide, approximately.

18 Q. How tall is it? Taller than you?

19 A. Yes.

20 Q. How big are the letters on the disclaimer?

21 A. I don't know.

22 Q. Well, what's your best estimate?

23 Five inches tall?

24 MR. BAKER: Just to be clear, I'm pretty sure you

1 have a copy of a photograph with the disclaimer  
2 attached to the panels that he's talking about.

3           But I'm happy to have him answer the  
4 questions.

5           MR. MANZO: Thank you.

6           MR. BAKER: Sure.

7 BY MR. MANZO:

8           Q. Do you recall how big the letters are?

9           A. No.

10          Q. What color are the letters?

11          A. Black.

12          Q. Are the letters on the disclaimer the same  
13 size as "Tom & Steven Machinery," if those are used  
14 on the panel?

15           Strike that. That was not a good question.

16           Is your company name on the panel?

17          A. On part of the panel.

18          Q. Okay. And which company name is it that you  
19 exhibit on the panel?

20          A. Do you want to rephrase?

21          Q. What's the name of the company that you put  
22 on the panel?

23          A. Oh. Tom & Steven Miyano Machinery.

24          Q. Do you also have that parentheses part?

1           MR. MANZO: The question is do you have an  
2 understanding about -- do you have an understanding  
3 of the claim.

4           MR. BAKER: You may answer that yes or no, but no  
5 further.

6 BY THE WITNESS:

7 A. Yes.

8 MR. BAKER: Thank you, counsel.

9 BY MR. MANZO:

10 Q. Do you believe that MHU has been harmed by  
11 Miyano Machinery in Japan?

12 MR. BAKER: In Japan? Or Miyano Machinery in  
13 Japan?

14 BY MR. MANZO:

15 Q. By Miyano Machinery in Japan.

16 That is to say, Miyano Machinery, Inc.,  
17 which is located in Japan -- do you believe that that  
18 company has harmed MHU?

19 A. Yes.

20 Q. How?

21 A. Tom & Steven Miyano Machinery, parentheses,  
22 MiyanoHitec Machinery, Inc. --

23 Q. Can you speak up? I'm sorry.

24 A. Oh. Tom & Steve Miyano Machinery,

1       parentheses, Miyano Hitec Machinery, Inc., is  
2       currently in the start-up process.

3               We have not made any product; we have not  
4       sold any product.

5               However, we are truly planning to get into  
6       industry. And having been sued requires great amount  
7       of time dedicated to this lawsuit, and many planning  
8       to do is currently stopped.

9               **Q. What did your last sentence mean?**

10          A. Many planning of many -- many planning is  
11       currently stopped.

12          THE VIDEOGRAPHER: Mr. Manzo, we'll have to  
13       change the videotape in about five minutes.

14          MR. MANZO: Okay.

15          BY MR. MANZO:

16          **Q. Anything else about how you are harmed?**

17          A. Time and money.

18          **Q. Anything else?**

19          A. We are proud of our family name, Miyano, and  
20       our logo, "M" with wing mark, and they are stepping  
21       on it.

22          **Q. You realize that Miyano Machinery, Inc.,**  
23       **located in Japan, has not sued MM- -- I'm sorry; has**  
24       **not sued MHU.**

1 A. One second, please.

2 MR. MANZO: Do you want to put an exhibit sticker  
3 on that?

4 (Deposition Exhibit No. 86 was marked  
5 for identification.)

6 BY MR. MANZO:

7 Q. All right. Mr. Miyano, is Exhibit 86 your  
8 current business card?

9 A. Yes.

10 Q. And is it your testimony that the business  
11 card shown at the bottom -- or what appears to be a  
12 business card shown enlarged at the bottom of  
13 Exhibit 85 was never your business card?

14 A. It could have been mine.

15 Q. It could have been.

16 A. Yes.

17 Q. Could it have been somebody else's?

18 A. My current business card is what you have.

19 Q. Exhibit 86?

20 A. Yes.

21 Q. Is Exhibit 85 a previous business card of  
22 yours?

23 A. I assume. I think so.

24 Q. Okay. And what about the one at the top of

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*FEB 5 '07*

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\*We are not affiliated in any way with Miyano Machinery USA, Inc. and Miyano Machinery, Inc. in Japan.

**DEPOSITION  
EXHIBIT  
#85**

*4/30/08 k*

**MMU0000553**

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